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*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

FALCON ASSOCIATES, LP, and
MARC B. FISHER,

Defendants.

Adv. Pro. No. 10-05336 (SMB)

**NOTICE OF VOLUNTARY DISMISSAL OF
DEFENDANT FALCON ASSOCIATES, L.P. WITH PREJUDICE**

PLEASE TAKE NOTICE that Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel Baker & Hostetler LLP, and pursuant to Rule 7041(a)(1)(A)(i) of the Federal Rules of Bankruptcy Procedure (making Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure applicable in adversary proceedings), hereby dismisses defendant Falcon Associates, L.P. from the above-captioned adversary proceeding with prejudice. Pursuant to Bankruptcy Rule 7041(a)(1)(A)(i), the Trustee is permitted to voluntarily dismiss defendant Falcon Associates, L.P. without further order of the court by filing this Notice of Dismissal as, as of the date hereof, no opposing party has served either an answer or a motion for summary judgment.

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Nothing herein shall affect the Trustee's claims in the Adversary Proceeding against any defendant other than Falcon Associates, L.P., and the Trustee hereby preserves all his rights and claims against any defendant other than Falcon Associates, L.P. Upon the dismissal of Falcon Associates, L.P., the caption of the Adversary Proceeding is hereby amended to delete Falcon Associates, L.P. from the caption. The amended caption of the Adversary Proceeding shall appear as indicated in Exhibit A hereto.

Date: July 8, 2015
New York, New York

BAKER & HOSTETLER LLP

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